

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-3025

United States of America,

Appellee,

v.

Rafael Madrid-Ojeda,

Appellant.

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Appeal from the United States
District Court for the
District of Nebraska.

[UNPUBLISHED]

Submitted: June 3, 2005

Filed: June 10, 2005

Before BYE, RILEY, and COLLOTON, Circuit Judges.

PER CURIAM.

Rafael Madrid-Ojeda (Madrid) appeals the sentence the district court¹ imposed after he pleaded guilty to conspiring to distribute 500 grams or more of a methamphetamine mixture, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1), and 846, and to a criminal forfeiture count. The district court sentenced Madrid to the statutory mandatory minimum of 120 months imprisonment. See 21 U.S.C. § 841(b)(1)(A). Madrid's counsel has filed a brief under Anders v. California, 386

¹The Honorable Laurie Smith Camp, United States District Judge for the District of Nebraska.

U.S. 738 (1967), arguing Madrid should have been sentenced below the statutory mandatory minimum term despite his failure to qualify for “safety valve” relief.

The district court did not err in sentencing Madrid to the mandatory minimum, because it is undisputed that he did not meet all the requirements for safety-valve relief. See 18 U.S.C. § 3553(f) (listing factors that allow court to sentence below mandatory minimum); United States v. Chacon, 330 F.3d 1065, 1066 (8th Cir. 2003) (finding district court did not have authority to depart below statutory minimum where government did not file substantial-assistance motion and defendant did not qualify for safety-valve relief).

Having carefully reviewed the record under Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. Accordingly, we affirm.
